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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14 v.  
15 HURBACE ET AL,  
16 Defendant.

Case No. 2:17-cr-110-APG-CWH

**STIPULATION TO CONTINUE  
PRETRIAL MOTION DEADLINES**  
(Third Request)

17  
18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson,  
19 United States Attorney, and Richard Anthony Lopez, Assistant United States Attorney, counsel  
20 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
21 Raquel Lazo, Assistant Federal Public Defender, counsel for Phillip D. Hurbace, and Todd M.  
22 Leventhal, counsel for Larry Anthony McDaniel, and Richard A. Wright, counsel for  
23 Sylviane Della Whitmore, that the previously ordered deadline for filing of pretrial motions be  
24 vacated and that the parties herein shall have to and including May 11, 2018, within which to  
25 file the Defendant's pretrial motions previously due February 4, 2018.  
26

1           IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including May 25, 2018, to file any and all responsive pleadings, previously  
3 due February 19, 2018.

4           IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
5 shall have to and including June 1, 2018, to file any and all replies to dispositive motions,  
6 previously due February 26, 2018.

7           The Stipulation is entered into for the following reasons:

8           1.       Additional time is needed to review the discovery with the defendants and  
9 determine whether any pretrial motions will be filed.

10          2.       The defendants are not incarcerated and do not object to the continuance.

11          3.       The parties agree to the continuance.

12          4.       The additional time requested herein is not sought for purposes of delay, but  
13 merely to allow defense counsel sufficient time within which to consider whether to file any  
14 pretrial motions.

15          5.       Additionally, denial of this request for continuance could result in a miscarriage  
16 of justice.

17          This is the third stipulation to continue the filing of pretrial motions.

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19       ///

20       ///

1 DATED this 21<sup>st</sup> day of March, 2018.

2 RENE L. VALLADARES  
3 Federal Public Defender

DAYLE ELIESON  
United States Attorney

4 */s/ Raquel Lazo*  
5 By \_\_\_\_\_

6 RAQUEL LAZO  
Assistant Federal Public Defender

*/s/ Richard Anthony Lopez*  
By \_\_\_\_\_

RICHARD ANTHONY LOPEZ  
Assistant United States Attorney

7  
8 */s/ Todd M. Leventhal*  
9 By \_\_\_\_\_

10 TODD M. LEVENTHAL  
Counsel for Larry Anthony McDaniel

*/s/ Richard A. Wright*  
By \_\_\_\_\_

RICHARD A. WRIGHT  
Counsel for Sylviane Della Whitmore

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 HURBACE ET AL,

8 Defendant.

Case No. 2:17-cr-110-APG-CWH

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Additional time is needed to review the discovery with the defendants and  
14 determine whether any pretrial motions will be filed.

15 2. The defendants are not incarcerated and do not object to the continuance.

16 3. The parties agree to the continuance.

17 4. The additional time requested herein is not sought for purposes of delay, but  
18 merely to allow defense counsel sufficient time within which to consider whether to file any  
19 pretrial motions.

20 5. Additionally, denial of this request for continuance could result in a miscarriage  
21 of justice.

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**ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including May 11, 2018, within which to file the Defendant's pretrial motions.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including May 25, 2018 to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including June 1, 2018 to file any and all replies to dispositive motions.

DATED this 21st day of March, 2018.



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UNITED STATES DISTRICT JUDGE